



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

January 8, 2021

Kyle DeHaven
County Manager
Greene County
227 Kingold Blvd, Suite D
Snow Hill, North Carolina 28580

NOTICE OF WARNING

RE: Violations of Title 02 NC Administrative Code ("NCAC") Chapter 52J Sections .0101(1), (3), (4) and (5); and .0210(c) and (d).

AWS-WL-2021-1

**Facility: Greene County Animal Services
Registration Number - 40**

Dear County Manager DeHaven:

On October 4, 2020, the Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint containing multiple allegations concerning the care of animals at the Greene County Animal Services Animal Shelter ("the shelter"). Based on the information contained in the complaint, AWS initiated an investigation focused on possible violation(s) of the NC Animal Welfare Act ("AWA") and its associated regulations, as these statutes and rules are the extent of the jurisdiction of AWS.

The investigation revealed the following:

- 1) the complainant and the shelter staff stated that the cat named "Elsa" received topical medication on her skin lesions prior to being taken to the veterinarian, but the administration of this medication was not documented as required by 02 NCAC 52J .0101(5);
- 2) Elsa was removed from the shelter on September 24, 2020, yet the disposition information shows September 30, 2020 as the date of transfer to the rescue. There is insufficient information available to substantiate whether this discrepancy is a violation of 02 NCAC 52J .0101(3) or a violation of 02 NCAC 52J .0101(4);
- 3) during the investigation, AWS became aware of a cat named "Anna" that may have required veterinary care while in the care and custody of the shelter. All information and documentation provided to AWS by potential witnesses or otherwise available to AWS was insufficient to determine if this potential violation of 02 NCAC 52J .0210(c) occurred; and
- (4) a review of 60 days of shelter records revealed the following:

(a) several doses of medication were not administered and/or not documented for the cat named "Butterscotch." If these missed doses were a failure to document the administration of medication, then the shelter violated 02 NCAC 52J .0101(5). If these doses were not administered as prescribed by the veterinarian, then the shelter violated 02 NCAC 52J .0210(c);

(b) inconsistent recording of impound dates, as this information for 6 kittens was lacking in violation of 02 NCAC 52J .0101(1)

(c) inconsistent recording of the date of death with the required information as this information was lacking for 8 kittens in violation of 02 NCAC 52J .0101(4); and

(d) while the shelter did regularly administer rabies vaccinations to the impounded animals, 2 dogs did not receive the required rabies vaccination within 15 days of the impound dates in violation of 02 NCAC 52J .0210(d).

Based on the findings of this investigation, the shelter may have violated of Title 02 NC Administrative Code ("NCAC) Chapter 52J Sections .0101(1), (3), (4) and (5); and .0210(c) and (d).

AWS acknowledges that the shelter has already implemented several corrective actions and new forms that should improve the shelter's compliance with the AWA and its associated rules. In addition to the full implementation of these corrective actions, AWS recommends the following:

1) develop and implement written standard operating procedures and protocols for the timely and accurate documentation required by 02 NCAC 52J .0101;


2) develop and implement written standard operating procedures and protocols for the timely provision and documentation of veterinary care and rabies vaccinations of the animals as required by 02 NCAC 52J .0101(5) and .0210(c) and (d); and

3) develop and implement written standard operating procedures and protocols for the transfer of animals to approved rescue organizations, including additional requirements for the transfer of animals requiring medical care.

This Warning Letter serves as written notice indicating in which respects the shelter may have violated the N.C. Animal Welfare Act and the rules issued pursuant thereto. Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's licenses pursuant to N.C.G.S. § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C.G.S. § 19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

Enclosure

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

(d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984;